

# Final Report

1/1/04 to 9/30/05



## Report title, author, Organization, Grant Number, Date

Title: Marine Protected Areas Education and Outreach Project

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Organization: New England Fishery Management Council

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## Abstract and Executive Summary

In 2005, the Council, through facilitated public input workshops, considered public comment on the development of a Council policy on Marine Protected Areas (MPA) and approved a Council MPA policy. Additionally, the Council began to compile spatial representations of the history of place-based management in New England and participated in the development of the NOAA Marine Managed Areas Inventory Project. The following summarize the goals and objectives of the project:

### Goals:

- To involve stakeholders in the process of developing a draft Council policy on marine protected areas by providing a general education on basic ecology, the role of habitat in fisheries and the science of marine protected areas.
- To provide public input to the Council (via the Habitat/Ecosystem/MPA Committee) for use in the development of a Council policy on marine protected areas.

### Objectives:

- To educate the public/industry/other stakeholders on the importance of habitat to fishes and what do we know today about the fishing impact on species and their habitats.
- To educate the public/industry/other stakeholders on the basic concepts and science behind marine protected areas:
- To receive input on the type and specific attributes a marine protected areas policy could contain to support the Council's work and negotiations in future marine protected areas discussions

## Purpose

### Problem Statement

On May 26, 2000, President Clinton signed **Executive Order 13158** on Marine Protected Areas (MPAs) to strengthen the protection of U.S. ocean and coastal resources. This order directs the Departments of Commerce and the Interior, and other federal agencies, to strengthen and expand a national system of MPAs by working closely with state, territorial, local, tribal, and other stakeholders. On June 4, 2001, Secretary of Commerce Donald Evans released a statement announcing President Bush's endorsement of and intent to retain the Executive Order and continue the processes begun by the Clinton Administration. Executive Order 13158 defines MPAs as "any area of the marine environment that has been reserved by Federal, State, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the

natural and cultural resources therein" (*Federal Register* 65:34909-34911).

The purpose of the Executive Order was to:

- strengthen the management, protection, and conservation of existing marine protected areas and establish new or expanded MPAs;
- develop a scientifically based, comprehensive national system of MPAs representing diverse U.S. marine ecosystems, and the Nation's natural and cultural resources; and
- avoid causing harm to MPAs through Federally conducted, approved, or funded activities.

The Executive Order, while also directing the establishment of an MPA Federal Advisory Committee, the creation and maintenance of a national website to disseminate information on MPAs, the identification of a national list of MPAs, and the establishment of a National MPA Center, provided the following direction to Federal agencies:

To the extent permitted by law and subject to the availability of appropriations, the Department of Commerce and the Department of the Interior, in consultation with the Department of Defense, the Department of State, the United States Agency for International Development, the Department of Transportation, the Environmental Protection Agency, the National Science Foundation, and other pertinent Federal agencies *shall develop a national system of MPAs* (emphasis added). The Council decided that, in order to adequately respond to the direction provided by the Executive Order, it was necessary to develop a Council policy on the use of MPAs as a management tool under the provisions of the Sustainable Fisheries Act of 1996.

#### *Objectives*

During the report period, the primary objective of this project was to analyze and consider public input on the use of MPAs as a management tool and develop a Council policy on Marine Protected Areas (MPAs). A secondary objective was to compile spatial representations of the history of place-based management in New England.

#### Approach

To meet the stated goals and objective to assist the Council in developing a thoughtful policy on the development of marine protected areas in the northeastern U.S., the following actions were taken:

*Action 1:* The Council has endeavored to collect, analyze and consider public input on the attitudes and beliefs surrounding the topic of MPAs. The first two parts of this action item (collect and analyze) were completed during the previous performance period. The third part, to consider this public input, was completed during this performance period.

*Action 2:* The Council has begun to develop a history of place-based fisheries management in the Northeast U.S. as part of the project. This endeavor has been started by beginning to assemble geo-spatial maps of existing MPA/MMAs in the Northeast U.S. will be compiled using GIS. A narrative history or "inventory" on these areas will be completed if additional funds become available.

To meet the primary objective to analyze and consider public input on the use of MPAs as a management tool and develop a Council policy on Marine Protected Areas (MPAs), the Council held two facilitated Education and Outreach Workshops with the general public (May 2005). In order to successfully implement the workshops, the Project Manager established a Steering



Committee and held approximately 6 meetings to discuss, plan and implement the workshops (October 2004 – April 2005). The workshops, which were held in May 2005, were designed to gather a wide range of public input on the topic of Marine Protected Areas in order to assist the New England Council develop a MPA policy to guide future decision making. During this period, a final workshop report was written that includes the raw data collected from workshop participants. In addition, the Council developed, considered and approved a Council policy on MPAs (September 2005).

The project was led by Leslie-Ann McGee of the New England Fishery Management Council staff and was supported by master's level student Chris Meaney from Yale School of Forestry and Environmental Sciences. The project leader served as Chair of the Workshop Steering Committee which included the following members:

*Leslie-Ann McGee, NEFMC Staff and Project Lead*  
*Kate Smukler, NOAA Marine Protected Areas Center*  
*Kathi Rodrigues, National Marine Fisheries Service*  
*David Stevenson, National Marine Fisheries Service*  
*Sally McGee, New England Fishery Management Council member*  
*Ron Smolowitz, Commercial fishing industry representative*  
*Geoff Smith, Ocean Conservancy*  
*Jackie O'Dell, Northeast Seafood Coalition*  
*Tracy Hart, Maine Sea Grant*

The Workshops were co-facilitated by professional facilitator Jay Vogt of Peoplesworth Inc. and the Sea Grant marine specialists from Maine, Rhode Island and Connecticut and included:

*Kathy Castro, Ph.D.*  
*R.I. Sea Grant Fisheries Extension Program*

*Dave Beutel*  
*R.I. Sea Grant Fisheries Extension Program*

*Laura Skrobe*  
*R.I. Sea Grant Fisheries Extension Program*

*Glenn Ricci*  
*R.I. Sea Grant Sustainable Coastal Communities Extension Program*

*Robert S. Pomeroy, Ph.D.*  
*Agricultural and Resource Economics/CT Sea Grant*

*Tracy Hart*  
*Maine Sea Grant Program*

*Dana Morse*  
*Darling Marine Center*

*Kristen Whiting-Grant*  
*Maine Sea Grant and the University of Maine*

*Sherman Hoyt*  
*Cooperative Extension/Maine Sea Grant*

Data gathered at the Workshops were compiled and analyzed by the Project Manager and the

supporting intern. The Draft Workshop Report was presented to the Council at their June 2005 in Portland, ME. The Council developed a draft policy on MPAs and approved the policy at their September 2005 meeting in Providence, RI.

## **Findings**

The result of the Workshops, public input and Council consideration is the following "Marine Protected Areas Policy Statement (September 2005)"

### **1.0 Background**

According to Executive Order 13158, which was signed on May 26, 2000 by President Clinton, defines a marine protected area (MPA) as *"any area of the marine environment that has been reserved by federal, state, territorial, tribal, or local laws or regulations to provide lasting protection for part or all of the natural and cultural resources therein."*

Where,

"Area" is defined as: Marine site or region that has legally defined geographic boundaries. The site or region shall not include the entire US Exclusive Economic Zone (EEZ) or an entire state's waters.

"Reserved" is defined as: Legally established by federal, State, territorial, tribal or location governmental authority.

"Lasting" is defined as "enduring long enough to enhance the conservation, protection, or sustainability of natural or cultural marine resources. The minimum duration of "lasting" protection ranges from 10 years to indefinite, depending on the purpose and level of protection. An "Indefinite" duration of protection means that the intent at the time of designation is permanent protection. The distinction between the terms "indefinite" and "permanent" acknowledges that MPA designation and level of protection may change for various reasons, including natural processes that may destroy or alter resources, or changes in societal values.

"Management Plan" is defined as: A coordinated strategy of programmed interventions and action plans that meet the goals and objectives of the MPA

"Monitoring and evaluation" is defined as: the process-based on independently reviewed natural and social science, as well as other information-of determining whether, and to what extent, a MPA has met or is on course to meet its specified goals and objectives, and whether modifications are warranted.

"Protection" is defined as: established with the goal of providing an enhanced level of conservation for part or all of the natural and cultural resources therein.

"Cultural resource" definition may include historical fishing communities.

### **2.0 Policy Statement**

- 2.0.1 The New England Fishery Management Council (Council) believes that Marine Protected Areas (MPAs), as defined in Executive Order 13158, can be a useful



management tool to aid in the rebuilding of depleted fish stocks, the protection of fish stocks from over-exploitation, and the protection of essential fish habitat.

- 2.0.2 The Council will continue to use MPAs when and where appropriate to meet the goals and objectives of its fishery management plans (FMPs). The Council believes that no-take marine reserves (Category D MPAs; See section 2.2.4) are a very specific type of MPA that should be used only in very specific circumstances when no other type of management strategy would be appropriate.
- 2.0.3 The Council believes that to be most effective, MPAs, once established, should be managed cooperatively with other Federal agencies to ensure adequate protection from non-fishing-related activities such as sand and gravel mining, oil, gas and mineral exploration and extraction, channel dredging and dredge material disposal, pollution, and cable and pipeline installation.

## **2.1 Inventory**

The Council shall undertake an inventory of existing MPAs created under the regulatory authority of the New England Council provided by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (as amended). The goal of the inventory would be to develop a "living" list of MPAs in New England that were established and are managed by the Council. This inventory should include the following information for each MPA:

- 2.1.1 Name
- 2.1.2 Date Established
- 2.1.3 Expiration Date (if any)
- 2.1.4 Regulations Citation
- 2.1.5 Regulations Effective Date
- 2.1.6 Boundary/Coordinates and Size Information
- 2.1.7 Spatially-Explicit Map
- 2.1.8 Purpose / Justification
- 2.1.9 Activities and Uses and/or Restrictions

## **2.2 Establishment:**

Given the regulatory authority of the Council provided by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (as amended), when considering regulations that will apply to specific areas that meet the criteria laid out by the implementation of E.O. 13158, the Council will strive to enact marine protected areas (MPA) that meet the following conditions:

- 2.2.1 Will have a clearly stated purpose and objective where the purpose shall be based on clearly defined fishery management concerns. These include but are not limited to decreases in fish stocks, decreases in reproduction, fishing pressure, and ecological considerations.
- 2.2.2 Shall allow for the strengthening of the resource both within and outside the designated MPA boundary in order to promote multigenerational equity.
- 2.2.3 Shall be established based on best available science and a thorough investigation and evaluation of this science. The design will consider marine physical features (shelves basins, troughs and seabed), ecological process,

trophic dynamics, species composition (resident and migratory), and associated hydrology and ocean patterns (currents, temperature).

- 2.2.4 If established or currently existence (via inventory), the MPA shall be catalogued to apply to one or more of the following categories:

Category A: Area to protect a single species

Category B: Area to protect multiple species

Category C: Area to protect essential fish habitat

Category D\*: Areas closed to all extractive uses, including commercial and/or recreational fishing, except for what is required for research and monitoring purposes.

*\* Within Category D areas, the Council will work with other agencies to prohibit other activities that may negatively affect or prevent the MPA from doing what it is set up to do. These activities may include dumping, pipeline construction etc.*

- 2.2.5 MPAs that meet these conditions shall include specific provisions for monitoring assessment and enforcement contingent on available funding.

- 2.2.6 MPA boundaries shall be clearly expressed and enforceable but the efforts to make the boundaries conducive to enforcement efforts would not rise above the need to define boundaries that meet the establishment criteria.

## 2.3 Modifications

- 2.3.1 Given the regulatory authority of the Council provided by the Magnuson-Stevens Fishery Conservation and Management Act of 1976 (as amended), the Council will modify or eliminate MPAs using the traditional fishery management plan process used by the fishery management Council system.
- 2.3.2 Each site may be modified at the time intervals set out in the establishment phase in order to make certain the MPAs are moving in the direction of meeting their clearly stated goals. Generally, the minimum duration of the MPA is 10 years. However, newly created MPAs will be subject to adaptive management practices. The goals, purpose, function, boundaries and timeframe will be assessed based on periodic FMP review and changes may be made or the MPA could potentially be eliminated. After the ten years, the goals, purpose, function, boundaries, and timeframe will be assessed and changes may be made or the MPA could potentially be eliminated.

## 2.4 Applicability

MPAs shall be enacted to follow the purposes laid out in Executive Order 13158 and the policy statement applies to all waters under the jurisdiction of the New England Fishery Management Council.

### **2.5 Communication: Education and Outreach:**

The Council will create a public forum that will include relevant updates regarding the monitoring and status of MPAs.

### **Evaluation**

The project goals and objectives were met without modification. The Council analyzed and considered public input on the use of MPAs as a management tool and developed a Council policy on Marine Protected Areas (MPAs). Additionally, the Council began the process of compiling spatial representations of the history of place-based management in New England.

### **Dissemination of project results:**

The project results, in the form of a final workshop report and Council policy, were disseminated to the public through a variety of venues including the Council's website ([www.nefmc.org](http://www.nefmc.org)), public mailings and presentation at public meetings including a Marine Protected Areas Federal Advisory Committee meeting and New England Fishery Management Council meetings (full Council and MPA Committee).